

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p>vs.</p> <p>FRANK SALDANA</p>	<p>For U. S.:</p> <p>Ben F. Baker</p> <p>For Defendant: 583-5871 (Ret.) Jack Ferguson xxxxAppxx Center Office Bldg. Tulsa, Okla. 74127</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 1-31-72	Clerk	2-25-72	Ferguson	5 00	
J.S. 3 mailed 3-31-72	Marshal	3-2-72	C.d.No.39		5 00
Violation Illegal entry of aliens	Docket fee				
Title 8					
Sec. 1324(a)(2)					
(14 Counts)					

DATE	PROCEEDINGS
1-25-72	Indictment, filed in open court. hm
1-25-72	Record vote of the grand jury, filed in open court. hm
1-25-72	Appearance bond of the deft. in the amt. of \$5,000 (10% cash), filed. hm
1-25-72	Order specifying methods and conditions of release, filed. hm
2-1-72	Deft. present in person and represented by Jack Ferguson. The Govt. represented by Ben F. Baker. Deft. is advised of charge and the Indictment is read in open Court. Deft. is arraigned and <u>enters plea of NOT GUILTY to 14 Counts</u> . Deft. is given 5 days to file motions; Pltf. is given 3 days to respond,--with all motions to be heard by the Magistrate on 2-11-72. <u>Case set on Jury Docket of 2-14-72 at 9:30 A.M.</u> Deft. to remain on present bond. (AEB-J)v
2-1-72	Mandate and Opinion of USCA, 10th Circuit, vacating Order of this Court sustaining motion to suppress evidence in Magistrate No. 66, and remanding for further proceedings, filed and spread of record in No. 72-CR-39. g
2-10-72	Case set for Jury Trial before Judge Daugherty on Monday, February 14, 1972. (AEB-J)r
2-14-72	Case passed to Tuesday, Feb. 15, 1972 at 9:30 A.M., and transferred to Judge Bohanon, (FD-J)r

(over)

DATE	PROCEEDINGS
2-15-72	Case tried to a jury. Deft. present and represented. Renee Deleon declared a qualified interpreter by the Court & he is sworn. Jury returns with verdict finding the deft. guilty as to each of Cts. 1 thru 14. Verdict ordered received, read & filed in open court. Jury polled & discharged. Court sets bond at \$15,000 cash or surety & deft. remanded to U.S. Marshal. Case to be set for sentence. (LB-J)hm (no exhibits offered)
2-15-72	Instructions to the jury, filed in open court. hm
2-15-72	Question from the jury and answer of the Court, filed in open court. hm
2-22-72	Motion of defendant to reduce bond, filed. g <i>mailed</i>
2-23-72	Case set for sentence & hearing on deft's motion to reduce bond Monday 3-13-72 at 9:30 a.m. (LB-J)hm
2-25-72	Notice of appeal by defendant, filed. cpy to USCA, & U.S. Atty. g
3-6-72	Appearance bond, in amt. of \$15,000, with International Fidelity Ins. Co., as surety, filed. rm
3-6-72	Order, filed, specifying methods and conditions of release. (MLB-Mag.)rm
3-13-72	Deft. present and represented. Deft's motion to reduce bond moot. Deft. & counsel asked if they have anything to say. Judgment and Sentence - Frank Saldana Ct. 1 - Five (5) Years Ct. 2 thru 14 - Five (5) Years each count, to run concurrently with sentence imposed in Ct. 1. It is adjudged that deft. shall become eligible for parole under 18, USC 4208(a)(2) at such time as Bd. of Parole may determine. It is further adjudged that deft. pay a fine unto the United States in the amount of \$1,400.00. (LB-J)hm
3-13-72	Judgment and Commitment, filed and entered. (LB-J)hm
3-13-72	Two c/c of J&C delivered to U.S. Marshal. hm
3-13-72	Further hearing at 1:30 p.m. Deft. present and represented. Deft's oral motion to reduce bond denied. The present \$15,000 bond shall remain in force and effect & the appeal bond is raised \$10,000, making the total amt. of the bond \$25,000, cash or surety. (LB-J)hm
4-5-72	Order extending time to docket appeal to May 17, 1972. (LB-J)g cpy to USCA, Ferguson & Baker.
4-7-72	J & C, ret. & filed: deft. delivered to Fed. Correctional Institute at La Tuna, Anthony, New Mexico-Texas 3-28-72. g
6-13-72	Deft's motion to modify, filed. hm <i>copy to warden</i>
6-15-72	Order of USCA, 10th Circuit, dismissing appeal for lack of prosecution, pursuant to Rule 14, filed. g
7-6-72	Case called for hearing on deft's motion to modify. Deft. not present but represented. Motion granted and sentence modified as follows: Ct. 1 - Three (3) Years; Ct. 2 thru 14 - Three (3) Years, to run concurrently with sentence imposed in Ct. 1. (LB-J)hm
7-6-72	Order modifying judgment and sentence, filed and entered. (LB-J)hm (copies mailed, including c/c to Warden, Fed. Correct. Inst., La Tuna, Anthony, New Mexico-Texas. hm

UNITED STATES MAGISTRATE
NORTHERN DISTRICT OF OKLAHOMA

72-CA-39

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Morris L. Bradford U. S. Court House, Tulsa, Oklahoma
(Name of magistrate) (Address)

MAGISTRATE'S
DOCKET NO. 1 CASE NO. 20
THE UNITED STATES
vs.
FRANK SALDANA

Complaint filed on March 4, 19 71, by Harold M. Harvey
Official title Senior Patrol Agent, charging violation of
United States Code, Title 8, Section 1234(a), (2) March 3
19 71, at Miami, Okla. in the
division of the Northern district of Oklahoma
as follows: Did transport and move citizens of Mexico
from a point near Eagle Pass, Texas to a point near
Miami, Okla. knowing they were in the United States
in violation of law, and knowing or having reason to
believe their last entry occurred less than 3 years
prior thereto. (Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date _____ Warrant/Summons for _____
(Name of defendant)
to (name and title of officer) _____
Substance of return _____

Date _____ Warrant/Summons for _____
(Name of defendant)
to (name and title of officer) _____
Substance of return _____

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date _____ Arrested by _____ { on warrant of _____
(Name of issuing officer)
without warrant.

Appearances { for United States _____ (Name) _____ (Address)
for accused _____ (Name) _____ (Address)

Proceedings taken Apprehended at Miami, Oklahoma and first proceedings were
(Here insert with dates, when appropriate, a seriatim account of essential steps taken at hearing such as "complaint prepared,"
before Magistrate Burns.

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

if that is the fact; any adjournments taken, etc.

Outcome _____

Bail fixed _____, 19 ____ Amount, \$ _____ Bonded _____, 19 ____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 ____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19 ____, [or] committed to _____
on _____, 19 ____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date March 24, 1971 Appearances for

{	United States	(Name)	<u>Ben Baker</u>
		(Address)	<u>Tulsa, Oklahoma</u>
	Accused	(Name)	<u>Jack Ferguson</u>
		(Address)	<u>Tulsa, Oklahoma</u>

WITNESSES FOR UNITED STATES: (List names and addresses)
Harold M. Harvey El Paso, Texas
U. S. Border Patrol

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
 Proceedings taken Mr. Harold M. Harvey, a member of the U. S. Border Patrol, was
 sworn as a witness and testified. The witness was cross-examined by Mr. Jack
 Ferguson, attorney for defendant. At the close of cross-examination, the
 Government and the defendant both announced that they had no further witnesses
 and did not desire to introduce any additional evidence. The defendant's attorney
 raised the question of unlawful search and the court passed the matter for 10 days
 to permit parties to file briefs on the question of search and arrest. Defendant
 was allowed to remain on existing bond.

Outcome _____
 Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
 deposited by (name) _____ Address _____
 transmitted to clerk of district court _____, 19____
 [or] by surety (names) _____ Address _____
 and _____ Address _____
 who justified by affidavit _____, 19____ Committed to _____
 on _____, 19____
 Certified to be a correct transcript.
 Made this 10th day of June, 19 71 Northern
 Transmitted to Clerk of United States District Court for the Oklahoma June 10, 19 71
 district of _____

Merlin R. B. [Signature]
 United States Magistrate.

72 CR 39 - Bradford

April 5, 1971

Under the provisions of Rule 35 (see 5), the hearings on motions as to illegal search and seizure were transferred to the United States District Court for the Northern District of Oklahoma for the purpose of hearing the motion to suppress.

April 12, 1971

30 days extension granted to attorneys to file briefs on the question of search and arrest.

May 18, 1971

Hearing on Motion to suppress set for June 8, 1971 before Judge Allen E. Barrow at 10:00 a.m.

June 7, 1971

Motion to Suppress filed.

MINUTES OF PROCEEDINGS ON JUNE 8, 1971, BEFORE HONORABLE ALLEN E. BARROW, JUDGE

Mag. #1-20 FRANK P. SALDANA

Defendant present in person and represented by Jack Ferguson, retained counsel. The government represented by Ben F. Baker. Hearing held on motion of defendant to suppress. Stipulation of parties filed in open court, and additional stipulations read into record. It is ordered that motion to suppress is hereby sustained. Defendant is granted leave by the court to sign a personal bond in the amount of \$5,000, and cash bond of the defendant (amount \$5,000) is hereby exonerated. At request of government, court orders all defendant's witnesses released and turned over to Immigration authorities. (Allen E. Barrow-J)

July 7, 1971

Notice of Appeal filed by Government.

January 19, 1972 Before Honorable Morris L. Bradford, Magistrate

The court finds that the Government has established probable cause as to the charge and defendant is bound over for action by the Grand Jury. Defendant appeared by his attorney, Jack Ferguson and Government appeared by Ben F. Baker.

